

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**RONALD BROWN,**

**Plaintiff,**

**VS.**

**JUANITA BROWN, RHONDA  
MOORE, T.D. GENSLER, ROBERT  
HOUSTON and DOUGLAS COUNTY  
DEPARTMENT OF CORRECTIONS.**

## Defendants.

**8:04CV72**

## SCHEDULING ORDER

Now pending before the court is the motion of Deputy Douglas County Attorney Derek Vaughn for leave to withdraw as counsel for defendants Juanita Brown, Rhonda Moore and T.D. Gensler and to withdraw the Answer filed by the Douglas County Attorney on their behalf (Filing 40).

The record shows that the three defendants in question were served in August 2004. Prior defense counsel from the Douglas County Attorney's Office filed an answer on their behalf on October 15, 2004. Mr. Vaughn now advises that these defendants are not County employees and the Douglas County Attorney had no authority to enter an appearance and file an answer on their behalf.

Since the County Attorney has been representing the interests of defendants Brown, Moore and Gensler for the past six months, I will require moving counsel to serve a copy of this motion on them in the event they wish to procure substitute counsel, contest the validity of service, or take some other action with respect to this lawsuit.

**IT IS ORDERED:**

1. Counsel's motion (Filing 40) is held in abeyance.
2. Moving counsel shall serve defendants Brown, Moore and Gensler with a copy of this order and copies of Filings Nos. 40 (the Motion) and 41 (the Evidence Index), and shall electronically file proof of service with the court on or before **May 10, 2005**.
3. All responses to the pending motion (Filing 40) shall be filed on or before May 26, 2005, at which time the motion will be deemed submitted for decision.

**DATED April 27, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**